

**SENATE JOURNAL
66TH LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 21, 2019

Senate Chambers
State Capitol

Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Gross. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/21/2019

Correctly printed: **SB 30, SB 114, SB 140, SB 199, SB 207, SB 213, SB 288, SB 289, SB 290, SB 291, SB 292, SB 293, SB 294, SB 295, SB 296, SB 297, SB 298, HB 73, HB 127, HB 160, HB 162, HB 176, HB 213, HB 283.**

Correctly engrossed: **SB 38, SB 124, SB 134, SB 183, SB 215, SB 255, HB 35.**

Correctly enrolled: **SB 39, SB 54, SB 75, SB 94, SR 11, SR 12, SR 30.**

Transmitted to the House: **SB 32, SB 139, SB 162, SB 226, SB 229, SB 231, SB 232, HB 45, HB 145, HB 228, HJ 3.**

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/21/2019
SB 183, introduced bill, be amended as follows:

1. Title, page 1, line 9.

STRIKE: "EFFECTIVE DATES"

Insert: "AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE"

2. Page 1, line 13.

Strike: "Effective July 1, 2021, the"

Insert: "The"

3. Page 1, line 14 through line 15.

Following: "authorized to" on line 14

Strike: "allow" on line 14 through "the board may" on line 15

Renumber: subsequent subsections

4. Page 1, line 16.

Following: "horseracing."

Insert: "The implementation of historical horseracing under this section must be conducted with

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oversight and input provided by the economic affairs interim committee. This includes oversight and input on issues relating to the implementation of historical horseracing through proposed rules and legislation."

5. Page 10, line 26 through line 28.

Strike: section 11 in its entirety

Insert: "NEW SECTION. **Section 11. Effective date.** [This act] is effective on passage and approval."

6. Page 10, line 29.

Following: line 28

Insert: "NEW SECTION. **Section 12. Termination.** [This act] terminates June 30, 2021."

And, as amended, do pass.

SB 270, do pass.

HB 105, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair):

2/20/2019

SB 212, do pass.

SB 218, do pass.

HB 153, be concurred in.

JUDICIARY (Regier, Chair):

2/21/2019

SB 254, do pass.

SB 255, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "40-1-311"

Insert: "and must be notarized"

And, as amended, do pass.

SR 29, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

2/20/2019

SB 38, introduced bill, be amended as follows:

1. Page 15, line 14.

Following: "their"

Strike: "options"

Insert: "choice whether or not"

And, as amended, do pass.

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SB 274, do pass.

SR 31, be adopted.

HB 86, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

2/20/2019

SB 124, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ELECTRONIC"

Insert: "DIGITAL"

Strike: "IF A SIGNATURE IS REQUIRED"

Following: "DURING"

Insert: "THE"

2. Page 1.

Following: line 6

Insert: "WHEREAS, uniformed and overseas voters may not always have access to a printer, scanner, or regular mail in order to provide a physical signature when registering to vote; and

WHEREAS, although Montana law pursuant to section 13-21-106(3)(b), MCA, currently provides that if proper identification is provided, these voters need not provide a signature, some voters may not vote because a digital signature is not offered as an option; and

WHEREAS, the Federal Voting Assistance Program and the Council of State Governments has determined that voter experience could be improved if states would allow the use of the digital signature available with common access cards, which are identification cards issued by the U.S. Department of Defense only to qualified personnel; and

WHEREAS, allowing uniformed and overseas voters the option of using a common access card digital signature would provide an additional opportunity for these voters to register and vote as well as added security; and

WHEREAS, providing this option need not involve a costly change within the secretary of state's electronic absentee system because the digital signature can be validated through a current publicly available certificate-based protocol for which the U.S. Department of Defense is the trusted authority."

3. Page 1, line 22 through line 24.

Strike: subsection (3) in its entirety

Insert: "(3) "Digital signature" means the certificate-based digital identification code issued to qualified personnel by the U.S. department of defense as part of the common access card or its successor."

4. Page 1, line 26.

Strike: "42 U.S.C. 1973ff(b)(2)"

Insert: "52 U.S.C. 20301(b)(2)"

5. Page 1, line 28.

Strike: "42 U.S.C. 1973ff-2"

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Insert: "52 U.S.C. 20303"

6. Page 3, line 11 through line 14.

Following: "voter" on line 11

Insert: "with a digital signature"

Following: "using" on line 11

Strike: remainder of line 11 through "electronically" on line 14

Insert: "the digital signature as provided in [section 4]"

7. Page 3, line 26.

Strike: "42 U.S.C. 1973ff"

Insert: "52 U.S.C. 20301"

8. Page 3, line 30.

Strike: "42 U.S.C. 1973ff-1(b)(1)"

Insert: "52 U.S.C. 20302(b)(1)"

9. Page 4.

Following: line 6

Insert: "NEW SECTION. Section 4. Digital signature authorized. (1) A covered voter may use a digital signature as proof that the voter is the sender when the voter is electronically transmitting any of the following documents to an election administrator pursuant to this chapter:

- (a) a federal postcard application;
- (b) an application for voter registration;
- (c) a request for an absentee ballot; or
- (d) the voter's marked ballot.

(2) An election administrator shall verify a digital signature received pursuant to this section and accept a validated digital signature as proof that a document has been transmitted by the voter.

(3) Nothing in this section may be interpreted as:

- (a) requiring a covered voter to use a digital signature;
- (b) requiring that an election administrator use a digital signature in lieu of the voter's date of birth and social security number or driver's license number to validate the voter's identity during the voter registration process;

(c) requiring a county election administrator or the secretary of state to validate the voter's identity with the certificate authority that issued the digital signature;

(d) requiring both a valid digital signature and the last four digits of a voter's social security number as proof that a document is from the voter; or

(e) prohibiting a county election administrator from using the last four digits of a voter's social security number, if provided on the document, to verify that the document was sent by the voter."

Insert: "NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 13, chapter 21, part 1, and the provisions of Title 13, chapter 21, part 1, apply to [section 4]."

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And, as amended, do pass.

SB 134, introduced bill, be amended as follows:

1. Page 2, line 18.

Strike: "intended"

Insert: "contracted"

2. Page 4, line 24.

Strike: "intended"

Insert: "contracted"

Following: "use"

Insert: "directly or indirectly"

And, as amended, do pass.

SB 236, do pass.

SB 258, do pass.

SJ 10, do pass.

STATE ADMINISTRATION (Brown, Chair):

2/21/2019

SB 275, do pass.

TAXATION (Webb, Chair):

2/21/2019

SB 215, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: "(i)"

2. Page 2, line 2.

Following: "~~amended or~~"

Insert: "and must be used by all agencies with responsibilities for estimating revenue or costs, including the preparation of fiscal notes,"

3. Page 2, line 5 through line 7.

Strike: subsection (3)(a)(ii) in its entirety

4. Page 2, line 8.

Strike: "(i)"

5. Page 2, line 11.

Strike: "(ii)"

Insert: "(c)"

And, as amended, do pass.

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Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/20/2019

SB 39, introduced by S. Fitzpatrick

SB 54, introduced by F. Thomas

SB 75, introduced by G. Vuckovich

SB 94, introduced by T. Gauthier

House bills passed and transmitted to the Senate for concurrence: 2/20/2019

HB 172, introduced by D. Bedey

HB 192, introduced by M. Ryan

HB 238, introduced by T. Manzella

HB 262, introduced by B. Mercer

HB 368, introduced by R. Lynch

HB 386, introduced by G. Hertz

HB 422, introduced by E. Buttrey

HB 436, introduced by B. Hamlett

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 299, introduced by M. Lang, B. Hamlett, F. Moore, R. Osmundson, T. Richmond, S. Sales, R. Shaw, J. Welborn, K. White, referred to Natural Resources.

SB 300, introduced by K. Bogner, J. Ellsworth, J. Fielder, S. Hinebauch, C. Keogh, M. MacDonald, J. Small, D. Zolnikov, referred to Judiciary.

SB 301, introduced by J. Small, referred to Local Government.

SB 302, introduced by J. Esp, M. Dunwell, J. Gross, S. Hinebauch, M. MacDonald, K. Regier, D. Sands, R. Webb, referred to Judiciary.

SB 303, introduced by M. MacDonald, N. McConnell, referred to Judiciary.

SB 304, introduced by R. Webb, referred to Judiciary.

SB 305, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.

SB 306, introduced by T. Jacobson, referred to Public Health, Welfare and Safety.

SB 307, introduced by J. Welborn, D. Ankney, M. Caferro, S. Fitzpatrick, T. Gauthier, B. Grubbs, M. Hopkins, T. Richmond, D. Salomon, J. Sesso, R. Shaw, B. Smith, T. Welch, referred to Business, Labor, and Economic Affairs.

SB 308, introduced by R. Webb, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

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SR 34, introduced by D. Ankney, referred to Energy and Telecommunications.

SR 35, introduced by D. Ankney, referred to Energy and Telecommunications.

SR 36, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

SJ 14, introduced by J. Pomnichowski, J. Gross, J. Karjala, C. Pope, D. Sands, J. Sesso, T. Woods, referred to State Administration.

SJ 15, introduced by M. MacDonald, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 172, introduced by D. Bedey, N. Ballance, J. Ellsworth, J. Fuller, referred to State Administration.

HB 192, introduced by M. Ryan, K. Dudik, Curdy and Fern, referred to Judiciary.

HB 238, introduced by T. Manzella, S. Berglee, B. Brown, G. DeVries, D. Dunn, N. Duram, F. Garner, D. Skees, B. Tschida, B. Usher, S. Vinton, referred to Judiciary.

HB 262, introduced by B. Mercer, M. Regier, referred to Finance and Claims.

HB 368, introduced by R. Lynch, M. Blasdel, W. Galt, S. Sales, referred to Business, Labor, and Economic Affairs.

HB 386, introduced by G. Hertz, referred to Taxation.

HB 422, introduced by E. Buttrey, F. Anderson, D. Ankney, J. Ellsworth, D. Fern, S. Fitzpatrick, R. Garcia, F. Garner, B. Grubbs, D. Hayman, G. Hertz, B. Hoven, J. Krautter, D. Lenz, D. Loge, R. Lynch, D. Mortensen, A. Olszewski, K. Regier, T. Richmond, D. Salomon, C. Schreiner, R. Shaw, S. Vinton, T. Welch, J. Windy Boy, referred to Finance and Claims.

HB 436, introduced by B. Hamlett, J. Cohenour, referred to Finance and Claims.

MOTIONS

Majority Leader Thomas moved that consideration of **HB 92**, item 12 on the second reading agenda, be moved to the bottom of the board. Without objection, so ordered.

Majority Leader Thomas moved that **SB 217**, previously reported out of committee, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

The Senate was entertained by Expressions of Silence, a popular performing group of students from the Montana School for the Deaf and Blind. The group used sign language and dance to interpret recorded music for the Senators and guests.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gauthier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 221 - Senator Phillips moved **SB 221** do pass.

SB 221 - Senator Phillips moved **SB 221**, second reading copy, be amended as follows:

1. Page 3, line 17.

Following: line 16

Insert: "(b) ivory or rhinoceros horn that is part of a bona fide antique and that is less than 5% by volume of the antique if the antique status is established by the owner or seller of the antique with historical documentation demonstrating provenance and showing the antique to be not less than 100 years old;"

Renumber: subsequent subsections

2. Page 4, line 11.

Following: "part of Title"

Strike: "45"

Insert: "87"

Following: "provisions of Title"

Strike: "45"

Insert: "87"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Webber.

Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Vance, Webb, Welborn, Mr President.

Total 24

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 221 - Senator Phillips moved **SB 221**, as amended, do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.

Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 26

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 221 - Senator Thomas moved **SB 221** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.

Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich.

Total 20

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 155 - Senator R. Webb moved **SB 155** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 198 - Senator Ellsworth moved **SB 198** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Ankney, Blasdel, Esp, Keenan.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 225 - Senator Fitzpatrick moved **SB 225** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas,

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Vuckovich, Webb, Webber, Welborn.

Total 43

Nays: Brown, Hinebauch, Howard, Kary, Smith C, Vance, Mr President.

Total 7

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 243 - Senator Ellis moved **SB 243** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 216 - Senator R. Webb moved **SB 216** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.

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Total 21

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJ 9 - Senator Pomnichowski moved **SJ 9** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 35 - Senator Fitzpatrick moved **HB 35** be concurred in.

HB 35 - Senator D. Brown moved **HB 35**, second reading copy, be amended as follows:

1. Page 3, line 13.

Strike: "1 YEAR"

Insert: "10 years"

Amendment **adopted** as follows:

Yeas: Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Salomon, Sesso, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

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Total 31

Nays: Ankney, Barrett, Bennett, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Phillips, Pomnichowski, Richmond, Sands, Small, Smith F, Vuckovich, Webber, Welborn.

Total 19

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 35 - As amended, **HB 35** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 40

Nays: Bogner, Esp, Fielder, Gillespie, Howard, Lang, Smith C, Smith F, Tempel, Thomas.

Total 10

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 56 - Senator Richmond moved **HB 56** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

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Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 57 - Senator Pomnichowski moved **HB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 44

Nays: Blasdel, Cuffe, Fielder, Lang, Vance, Mr President.

Total 6

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 65 - Senator Fitzpatrick moved **HB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 36

Nays: Barrett, Cohenour, Flowers, Gross, Howard, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.

Total 14

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 220 - Senator Cohenour moved **HB 220** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SR 11 - Senator Ellsworth moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 11**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

Senator Olszewski assumed the chair.

HB 92 - Senator Gauthier moved **HB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Gauthier moved the Committee of the Whole report be adopted. Report **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Phillips.

Total 1

Paired: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Thomas moved **SB 155** and **SB 216**, heard on second reading this date, be referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 140 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Vote totals reflect a vote change from No to Yes made by Senator Welborn under Order of Business 9 - Motions.

SB 207 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski,

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Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: Brown, Howard, Vance, Mr President.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 127 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 160 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

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Nays: Ankney.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 162 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 176 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.

Total 39

Nays: Blasdel, Brown, Cuffe, Esp, Fielder, Howard, Kary, Smith C, Vance, Webb, Mr President.

Total 11

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 213 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Olszewski, Pomnichowski, Smith F.

Total 3

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Senator Webb moved that **SB 21** be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 30

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Keenan, Malek, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Vance, Mr President.

Total 20

Paired: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Senator Welborn moved to change his third-reading vote on **SB 140** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 22, 2019., the 38th legislative day. Motion carried.

Senate adjourned at 2:56 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate